

**Introduced by Committee on Veterans Affairs (Senators Denham (Chair), Cedillo, Correa, Maldonado, Negrete McLeod, Wiggins, and Wyland)**

March 5, 2009

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An act to amend Sections 179 and 179.5 of the Military and Veterans Code, relating to military and veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 818, as introduced, Committee on Veterans Affairs. California State Military Museum and Resource Center.

(1) Existing law authorizes the Adjutant General, the commander of all state military forces, to establish a California State Military Museum and Resource Center as a repository for military artifacts, memorabilia, equipment, documents, and other items relating to the history of the California National Guard.

Existing law authorizes the Adjutant General to enter into an operating agreement with the California State Military Museum Foundation, a California nonprofit public benefit corporation that is tax exempt under Section 501(c)(3) of the Internal Revenue Code, under which the foundation operates the California State Military Museum and Resource Center in coordination with the California State Military Reserve's California Center for Military History.

Existing law provides that the board of trustees of the foundation is the governing authority for operations funded through moneys received by the foundation, and requires the board of trustees to submit an audit report annually to the Adjutant General.

Existing law also requires the board of trustees to submit a business plan for the following fiscal year no later than January 10 of each year, and any formal amendments to the business plan to the Adjutant General,

the Director of Finance, and the Chair of the Joint Legislative Budget Committee for review and comment.

This bill would substitute “board of directors” for “board of trustees” wherever that term appears. This bill would also require the Board of Directors of the California State Military Foundation to submit an audit report, no later than October 15 of each year, to the Adjutant General, the Chair of the Joint Legislative Audit Committee, the Chair of the Joint Legislative Budget Committee, and the Director of Finance.

This bill would require the board of directors to submit a business plan for the following fiscal year no later than October 15 of each year.

(2) Existing law requires the Adjutant General to provide suitable accommodations within the California National Guard Military Museum and Resource Center for the care and display of the display cabinets that were once used to display, at the State Capitol, the books, papers, and other artifacts relating to the Grand Army of the Republic, and permits the Adjutant General to make arrangements for use of the display cabinets in the public display of the artifacts throughout the state.

This bill would substitute “California State Military Museum and Resource Center” for “California National Guard Military Museum and Resource Center” wherever that term appears.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 179 of the Military and Veterans Code  
2     is amended to read:  
3     179. (a) The Adjutant General shall establish a California State  
4     Military Museum and Resource Center as a repository for military  
5     artifacts, memorabilia, equipment, documents, and other items  
6     relating to the *military* history of *California, and to the history of*  
7     the California National Guard, in accordance with applicable  
8     regulations of the United States Army governing Army museum  
9     activities. The museum shall consist of the facility described in  
10    the Proclamation of the Governor dated May 11, 1994, and any  
11    branches as may currently exist or may from time to time be created  
12    throughout the state. Each facility shall be deemed to be an armory  
13    within the meaning of Section 430.

(b) The Adjutant General shall enter into an operating agreement with the California *State* Military Museum Foundation, formerly known as the California National Guard Historical Society, an existing California nonprofit public benefit corporation that is tax exempt under Section 501(c)(3) of the Internal Revenue Code. Under the operating agreement with the Adjutant General, the foundation shall operate the California State Military Museum and Resource Center in coordination with the California State Military Reserve's California Center for Military History. The foundation shall develop, administer, interpret, and manage museum historical programs and related public services, and acquire and manage funding for museum programs and services.

(c) Volunteers, docents, members of the California State Military Reserve, or others working with or for the California *State* Military Museum Foundation, for purposes consistent with the mission of the organization, shall be considered volunteers under Sections 3118 and 3119 of the Government Code and Section 3363.5 of the Labor Code.

(d) The Board of ~~Trustees~~ *Directors* of the California *State* Military Museum Foundation shall include the Adjutant General, or the Assistant Adjutant General, or any Deputy Adjutant General designated by the Adjutant General, as an ex officio voting member of the board. The board of ~~trustees~~ *directors* of the foundation shall be the governing authority for operations funded through moneys received by the foundation. The board of ~~trustees~~ *directors* of the foundation shall, *no later than October 15 of each year*, submit an audit report ~~annually~~ to the Adjutant General. ~~The board of trustees of the foundation shall submit copies of annual audit reports to the Director of Finance, the Chair of the Joint Legislative Audit Committee, and the Chair of the Joint Legislative Budget Committee. No funds raised or assets acquired by the foundation shall be used for purposes inconsistent with support of the museum, and the Director of Finance.~~

(e) *No funds raised or assets acquired by the foundation shall be used for purposes inconsistent with support of the museum.*

~~(e)~~  
(f) The Board of ~~Trustees~~ *Directors* of the California *State* Military Museum Foundation shall, no later than ~~January 10~~ *October 15* of each year, submit a business plan for the following fiscal year to the Adjutant General, the Director of Finance, and

1 the Chair of the Joint Legislative Budget Committee for review  
2 and comment. The board of ~~trustees~~ *directors* shall also submit,  
3 not less than 30 days prior to adoption, any proposed formal  
4 amendments to the business plan to the Adjutant General, the  
5 Director of Finance, and the Chair of the Joint Legislative Budget  
6 Committee for review and comment.

7 ~~(f)~~

8 (g) (1) The Adjutant General or the California State Military  
9 Museum Foundation may solicit, receive, and administer donations  
10 of funds or property for the support and improvement of the  
11 museum. Any grants or donations received may be expended or  
12 used for museum purposes.

13 (2) Property of historical military significance, not including  
14 real property, that is owned by the state and is determined by the  
15 Adjutant General to be in excess of the needs of the Military  
16 Department, shall be transferred to the museum.

17 (3) Property determined by the California State Military Museum  
18 Foundation to be in excess of the needs of the museum may be  
19 sold, donated, exchanged, or otherwise disposed of, at its discretion,  
20 in a manner appropriate to the historical and intrinsic value of the  
21 property, and the benefits from the disposition shall inure to the  
22 museum. This paragraph does not apply to property held in trust  
23 for the Controller pursuant to Section 1563 of the Code of Civil  
24 Procedure.

25 ~~(g)~~

26 (h) The Adjutant General or the California State Military  
27 Museum Foundation may solicit and receive firearms and other  
28 weaponry confiscated by or otherwise in the possession of law  
29 enforcement officers as donations to the museum if he or she deems  
30 them to be of historical or military interest.

31 ~~(h)~~

32 (i) The Adjutant General shall, in cooperation with the California  
33 State Military Museum Foundation, conduct a study of the future  
34 needs of the National Guard to preserve, display, and interpret  
35 artifacts, documents, photographs, films, literature, and other items  
36 relating to the history of the military in California.

37 ~~(i)~~

38 (j) (1) The California State Military Museum Foundation may  
39 enter into agreements with other military museums in California,  
40 including, but not limited to, the Legion of Valor Museum, to loan

1 property that is not real property and that is under the direct control  
2 of the foundation.

3 (2) The California State Military Museum *Foundation* may  
4 enter into agreements with other military museums in California  
5 to loan property held in trust for the Controller pursuant to Section  
6 1563 of the Code of Civil Procedure.

7 SEC. 2. Section 179.5 of the Military and Veterans Code is  
8 amended to read:

9 179.5. (a) The Legislature acknowledges that certain artifacts  
10 of the Grand Army of the Republic that were at one time stored  
11 or displayed in the State Capitol were the personal property of  
12 certain members of the Civil War Roundtable. The Legislature  
13 acknowledges that those artifacts have been donated to, and are  
14 now in the custody of, the California ~~National Guard~~ State Military  
15 Museum and Resource Center, and are, thus, not the subject of  
16 this section.

17 (b) The Civil War memorabilia that are still located at the State  
18 Capitol and that are the subject of this section consist of the  
19 following:

20 (1) A display cabinet that once contained, among other things,  
21 artifacts of the Grand Army of the Republic that have since been  
22 donated by the Civil War Roundtable to the California ~~National~~  
23 ~~Guard~~ State Military Museum and Resource Center mentioned in  
24 subdivision (a).

25 (2) Certain flags of the Grand Army of the Republic that have  
26 been, and continue to be, stored or displayed in the State Capitol.

27 (3) One or more paintings of the Civil War era that were donated  
28 to the state.

29 (4) Other remaining artifacts of the Grand Army of the Republic,  
30 and Civil War memorabilia.

31 (c) The articles specified in subdivision (b) shall be stored, cared  
32 for, or displayed as follows:

33 (1) The Adjutant General shall provide suitable accommodations  
34 within the California ~~National Guard~~ State Military Museum and  
35 Resource Center for the care and display of the display cabinet  
36 that was once used to display at the State Capitol the books, papers,  
37 and other artifacts relating to the Grand Army of the Republic and  
38 may make suitable arrangements for the use of this cabinet for the  
39 public display of these articles in locations throughout the state.

1     (2) Suitable facilities shall be provided at the State Capitol for  
2     storage or display within the State Capitol of the flags as set forth  
3     in paragraph (2) of subdivision (b), of the Civil War era paintings  
4     donated to the state as set forth in paragraph (3) of subdivision (b),  
5     and of other remaining artifacts and Civil War memorabilia as set  
6     forth in paragraph (4) of subdivision (b).

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